

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMSHID S. KASHANNEJAD,

No. C-11-2228 EMC

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

**ORDER DENYING PLAINTIFF'S
REQUEST TO STOP DEFENDANTS
FROM ISSUING AND LODGING THE
DETAINER AGAINST PLAINTIFF**

Defendants.

(Docket No. 182)

Plaintiff has filed yet another brief, this time asking the Court to order Defendants not to issue an immigration detainer against him. In the alternative, Plaintiff asks the Court to require Defendants to prove that he is “amenable to deportation under any provisions of law relevant to [his] [s]tatus as [a legal temporary resident].” Mot. at 5.

Both of Plaintiff’s requests for relief are denied. “A detainer serves to advise another law enforcement agency that the Department [of Homeland Security] seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien.” 8 C.F.R. § 287.7(a). At this juncture, Defendants have not made any decision as to whether to initiate removal proceedings against Plaintiff upon his (eventual) return to the United States. Thus, Plaintiff’s requests for relief are premature. Moreover, as this Court has repeatedly held, under 8 U.S.C. §


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1 1252(g), it “lacks jurisdiction over the government’s decision whether to commence removal
2 proceedings; and . . . , under 8 U.S.C. § 1252(a)(5), a challenge to a removal decision must be made
3 to the Ninth Circuit, not this Court.” Docket No. 181 (Order at 1).

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5 IT IS SO ORDERED.

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7 Dated: January 2, 2013

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11 EDWARD M. CHEN
12 United States District Judge
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